



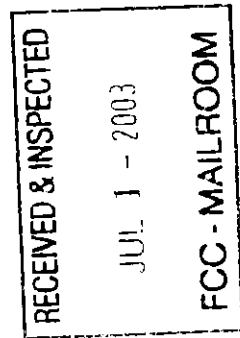
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C4C203

Federal Communications Commission
Washington, D.C. 20554

June 27, 2003

Mr Dana J Puopolo
2134 Oak Street, Unit C
Santa Monica, California 90405



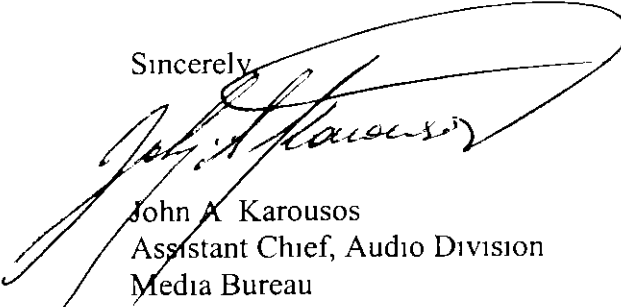
Dear Mr Puopolo

This is in response to the petition for rule making you filed on May 1, 2003, requesting the allotment of Channel 284A at Jamestown, New York, as the community's third local FM transmission service

We have reviewed the proposal and find that it is unacceptable for consideration at this time. A staff engineering analysis indicates that the site which you specify in your proposal (42-05-44 NL and 79-14-19 WL) is severely short-spaced to the Canadian allotment sites for Channel 285B at Port Colborne, Ontario, and Channel 285B at Niagara Falls, Ontario. The minimum distance separation requirements for first adjacent Class A to Class B allotments is 137 kilometers, not the 71 kilometers as incorrectly shown on your engineering statement.

For the reason stated above, we are returning your petition for rule making. You may refile your petition, provided that your proposal meets all of the minimum spacing requirements of Section 73.207 of the Commission's Rules.

Sincerely,

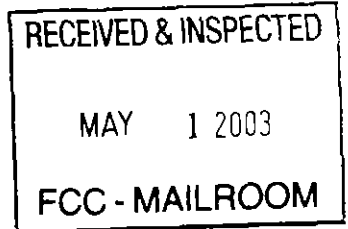


John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosures

Spm 28

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D C 20554



In the matter of)
Amendment of Section 73 202 (b),) MM Docket No _____
Table of Allotments)
FM Broadcast Stations) RM- _____
(Jamestown New York))

PETITION FOR RULEMAKING

To the Chief Allocations Branch

Dana J. Puopolo ("Petitioner") respectfully requests the Commission initiate a rulemaking proceeding for the purpose of considering amending Section 73 202(b) of the Commission's rules. In support whereof the following is stated:

2. Petitioner proposes the Commission allot FM channel 284A to Jamestown, New York as its third commercial FM service. This would require amending Section 73 202(b) of the Commission's rules as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Jamestown, NY	227B, 270A	227B, 270A, 284A

3. Jamestown is a City located in N W New York. It is located within the town of Ellicott in Chautauqua County. In 2000, the United States Census Bureau estimated that Jamestown had a population of 31,730 persons.

4. FM channel 284A can be assigned to Jamestown in full compliance with the Commission's minimum distance separation requirements without a site restriction. This is illustrated in the attached spacing study. Coordinates used are N 42 05 44, W 79 14 19 and are those listed in the National Atlas for Jamestown, NY.

5. Petitioner, or an entity with which he is affiliated, intends to apply for a construction permit to activate channel 284A if it is assigned to Jamestown as proposed. If his application is granted, he shall promptly construct and operate the proposed station.

6. Petitioner hereby verifies and affirms that the statements given in this petition for rulemaking are his, and are accurate to the best of his knowledge.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dana J. Puopolo".

Dana J. Puopolo
2134 Oak St., Unit C
Santa Monica, CA 90405
April 28, 2003

FM spacing study, Channel 284A, Jamestown, NY

CHAN	FREQ	CALL	LOCATION		DIST	REQ	CLEAR
281B	104.1	WHTT-FM	BUFFALO	NY US	89	69	20
281A	104.1	WPXZ-FM	PUNXSUTAWNEY	PA US	128	31	97
282A	104.3	WKNB	CLARENDON	PA US	32	31	1
283B	104.5	WXXO	CAMBRIDGE SPRINGS	PA US	88	72	16
283B	104.5	WNBT-FM	WELLSBORO	PA US	160	113	47
283C1	104.5	CHUMFM	TORONTO	ON CA	172	93	79
284B	104.7	WBBS	FULTON	NY US	264	178	86
284B	104.7	WJJJ	PITTSBURGH	PA US	189	178	11
284A	104.7	WKKY	GENEVA	OH US	157	115	42
284B	104.7	WJJJ	PITTSBURGH	PA US	191	178	13
285B	104.9	RM	PORT COLBORNE	ON CA	87	71	16
285B	104.9	RM	NIAGARA FALLS	ON CA	109	71	38
285B	104.9	RM	PORT COLBORNE	ON CA	89	71	18
285B	104.9	RM	NIAGARA FALLS	ON CA	111	71	40
285B	104.9	RM	NIAGARA FALLS	ON CA	113	71	42
286A	105.1	RM	NIAGARA FALLS	ON CA	111	40	72
286A	105.1	ALLOC	SHEFFIELD	PA US	46	31	15
287B	105.3	WKPQ	HORNELL	NY US	131	69	62
287C1	105.3	CFCAFM	KITCHENER	ON CA	185	87	98

Notes

All distances are in kilometers.

Only stations which clear by less than 110 km are shown.

